

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ALBERT JANARO HEIZMAN, L.P.N.,
RESPONDENT.

:
:
:
FINAL DECISION AND ORDER

:
Order 0000228
:

[Division of Enforcement Case # 10 NUR 059]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Albert Janaro Heizman, L.P.N.
2629 John Avenue
Superior, WI 54880

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Albert Janaro Heizman, L.P.N., Respondent, date of birth October 23, 1943, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse in the state of Wisconsin pursuant to license number 23054, which was first granted October 31, 1980.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2629 John Avenue, Superior, WI 54880.
3. At the time of the events set out below, Respondent was employed as a licensed practical nurse at the Middle River Health and Rehabilitation Center, a nursing home in South Range, Wisconsin.

4. At approximately 8:45 p.m. on January 26, 2010, Respondent instructed a certified nursing assistant (CNA) to put Resident A to bed. Resident A, who suffers from dementia, did not want to go to bed because she believed that it was 9:00 a.m. While the CNA was trying to explain what time it was to Resident A, Respondent walked over to Resident A and said "[Resident A], it is time for bed, NOW!" The CNA took Resident A to her room and while she was attempting to help her get ready for bed, Resident A became combative and attempted to hit and bite. The CNA left the room and told Respondent that she couldn't do it, that Resident A did not want to go to bed.

5. Respondent went into Resident A's room, again stating "[Resident A], it's time for bed!" Respondent grabbed Resident A's right arm and forced her to put on her gown. A short time later, when the CNA went to check on Resident A, the CNA noticed some blood on Resident A's lip and a skin tear and bruising on her right wrist. The skin tear measured about 1-1.5 cm. When the CNA asked Resident A how she got the skin tear, Resident A told her it happened when Respondent grabbed her arm to put on her gown. The CNA returned to the nurses' station and reported it to Respondent and the charge nurse. All three then returned to Resident A's room. Respondent cleansed the area on Resident A's wrist with wound cleaner and applied a band aid.

6. As a result of his actions, Respondent's employment was suspended pending an investigation into possible patient abuse. Respondent's employment was subsequently terminated.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct as set out above, has committed misconduct or unprofessional conduct as defined by Wis. Adm. Code § N 7.04(4) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Albert Janaro Heizman, L.P.N., is hereby REPRIMANDED for the above conduct.

2. Respondent's license to practice nursing in the State of Wisconsin, and his privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

a. Respondent, at his own expense, shall complete four (4) hours of pre-approved continuing education in the area of resident/patient rights, within 90 days of the date of this Order. Respondent is responsible for finding appropriate course(s) and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90-day time frame, taking into account the Board's meeting schedule.

b. For a period of at least one (1) year from the date of this Order, Respondent shall arrange for quarterly reports to be submitted to the Department Monitor from his nursing employer(s) reporting the terms and conditions of his employment and evaluating his work performance, as directed by the Department Monitor.

c. For a period of at least one (1) year from the date of this Order, Respondent shall practice only under the direct supervision of a licensed nurse or other licensed health care professional approved by the Board or its designee and only in a work setting pre-approved by the Board or its designee. Respondent may not work in a home health care, hospice, pool nursing, or agency setting.

d. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

d. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$150.00 pursuant to Wis. Stat. § 440.22(2).

4. Requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

6/3/10
Date

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